

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Hassan Kearney

(b) County of Residence of First Listed Plaintiff Philadelphia
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Adam Grutzmacher, Esquire
1617 JFK Blvd. - suite 355 Phila, Pa 19103 2155636333

DEFENDANTS

Andrii Vegeera and Vegeera Global Logistics, Inc.

County of Residence of First Listed Defendant Chicago, Illinois
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Daniel M. Brown- William J. Ferren & Associates
PO Box 2903-Hartford, CT 16104 215-274-1716

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|---------------------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input checked="" type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input checked="" type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) OTHER TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
USC Sections 1332 and 1441

Brief description of cause:

Plaintiff is seeking to recover damages for injuries allegedly sustained as a result of a motor vehicle accident.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

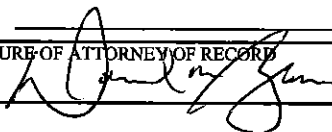
JUDGE

DOCKET NUMBER

DATE

7-13-22

SIGNATURE OF ATTORNEY OF RECORD



FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**Authority For Civil Cover Sheet**

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; NOTE: federal question actions take precedence over diversity cases.)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.
- Date and Attorney Signature.** Date and sign the civil cover sheet.

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: Hassan Kearney, 340 Unruh Avenue, Philadelphia, PA 19111

Address of Defendant: 4534 N. Cumberland Avenue - unit 308- Chicago, Illinois 60656

Place of Accident, Incident or Transaction: Island, Avenue, Philadelphia, PA

RELATED CASE, IF ANY:

Case Number: _____ Judge: _____ Date Terminated: _____

Civil cases are deemed related when *Yes* is answered to any of the following questions:

- | | | |
|--|------------------------------|-----------------------------|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ is / ☐ is not related to any case now pending or within one year previously terminated action in this court except as noted above.DATE: 7-13-22 [Signature] 57638
Attorney-at-Law / Pro Se Plaintiff Attorney I.D. # (if applicable)**CIVIL: (Place a \checkmark in one category only)****A. Federal Question Cases:**

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts
- ☐ 2. FEELA
- ☐ 3. Jones Act-Personal Injury
- ☐ 4. Antitrust
- ☐ 5. Patent
- ☐ 6. Labor-Management Relations
- ☐ 7. Civil Rights
- ☐ 8. Habeas Corpus
- ☐ 9. Securities Act(s) Cases
- ☐ 10. Social Security Review Cases
- ☐ 11. All other Federal Question Cases

(Please specify): _____

B. Diversity Jurisdiction Cases:

- ☐ 1. Insurance Contract and Other Contracts
- ☐ 2. Airplane Personal Injury
- ☐ 3. Assault, Defamation
- ☐ 4. Marine Personal Injury
- ☒ 5. Motor Vehicle Personal Injury
- ☐ 6. Other Personal Injury (Please specify): _____
- ☐ 7. Products Liability
- ☐ 8. Products Liability - Asbestos
- ☐ 9. All other Diversity Cases

(Please specify): _____

ARBITRATION CERTIFICATION

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, Daniel M. Brown, counsel of record or pro se plaintiff, do hereby certify:☐ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:☐ Relief other than monetary damages is sought.DATE: _____ Sign here if applicable
Attorney-at-Law / Pro Se Plaintiff Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

HASSAN KEARNEY

v.

ANDRII VEGERA and
VEGERA GLOBAL LOGISTICS INC.

jury trial demanded

PRAECIPE FOR TRANSFER

TO THE CLERK OF COURT:

Kindly transfer this case from the Court of Common Pleas of Philadelphia County
at No. 22060161 to the United States District Court for the Eastern District of
Pennsylvania.

WILLIAM J. FERREN & ASSOCIATES

BY: 

Daniel M. Brown

P.O. Box 2903

Hartford, CT 06104

Atty ID # 59638

215-274-1716

Dbrown9@travelers.com

Attorney for defendants,

Andrii Vegera and Vegera Global logistics, Inc.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

HASSAN KEARNEY

v.

ANDRII VEGERA and
VEGERA GLOBAL LOGISTICS INC.

Jury trial demanded

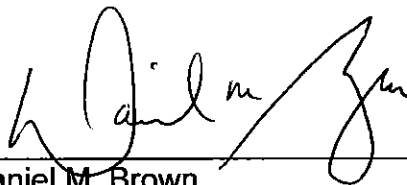
**NOTICE TO PLAINTIFF OF THE FILING OF A NOTICE OF REMOVAL
TO THE UNITED STATES DISTRICT COURT FOR THE EASTERN
DISTRICT OF PENNSYLVANIA**

To: Adam Grutzmacher, Esquire
Clearfield & Kofsky
Suburban Station Building – suite 355
1617 JFK Boulevard
Philadelphia, PA 19103

Please take notice that Defendants, Andrii Vegera and Vegera Global logistics, Inc., by their attorney, Daniel M. Brown, Esquire, has filed a Notice in the United States District Court for the Eastern District of Pennsylvania for Removal of an action now pending in the Court of Common Pleas of Philadelphia County, PA, Hassan Kearney v. Andrii Vegera and Vegera Global Logistics, Inc., June Term, 2022, No. 01061.

WILLIAM J. FERREN & ASSOCIATES

BY:



Daniel M. Brown
P.O. Box 2903
Hartford, CT 06104
Atty ID # 59638
215-274-1716
Dbrown9@travelers.com
Attorney for defendants,
Andrii Vegera and Vegera Global logistics, Inc.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

HASSAN KEARNEY

v.

ANDRII VEGERA and
VEGERA GLOBAL LOGISTICS INC.

:
:
:
:
:
:

Jury trial demanded

**NOTICE OF REMOVAL OF DEFENDANTS, ANDRII VEGERA and VEGERA
GLOBAL LOGISTICS INC.**

Andrii Vegera and Vegera Global Logistics Inc., defendants in the above-captioned matter, hereby file this Notice of Removal of this case from the Philadelphia County Court of Common Pleas, where it is now pending, to the United States District Court for the Eastern District of Pennsylvania and in support thereof, avers as follows:

1. The plaintiff filed his complaint in the Philadelphia County Court of Common Pleas to recover damages for injuries he allegedly sustained in a motor vehicle accident that occurred on June 15, 2020 on Island Avenue in Philadelphia, Pennsylvania. A true and correct copy of the plaintiff's complaint is attached hereto, made a part hereof and marked as Exhibit "A."
2. The plaintiff's complaint was filed on June 10, 2022.
3. The plaintiff's complaint was served upon defendant, Andrii Vegera, on June 16, 2022.
4. Diversity of citizenship exists between the parties, and defendants, Andrii Vegera and Vegera Global Logistics Inc., remove this case pursuant to 28 U.S.C. Section 1441.

5. The plaintiff alleges in his complaint that as a result of the accident he sustained “disc injuries, lumbar radiculopathy, cervical sprain and strain, lumbar sprain and strain, left shoulder sprain and strain, muscle spasm, as well as other injuries as may be diagnosed by Plaintiff’s health care providers.”

6. The motor vehicle accident happened while the plaintiff was in the course and scope of his employment, and the workers’ compensation lien that is being asserted is \$47,615.56.

7. Upon information and belief, it is asserted that the amount in controversy exceeds \$75,000.00.

8. Plaintiff, Hassan Kearney, avers in the complaint that he resides at 340 Unruh Avenue in Philadelphia, Pennsylvania.

9. Defendant, Andrii Vegera, is a citizen and resident of the state of Illinois, and he resides at 4534 N. Cumberland Avenue in Chicago, Illinois.

10. Defendant, Vegera Global Logistics, Inc., is a corporation organized and existing under the laws of the state of Illinois and maintains its principal place of business at 4534 N. Cumberland Avenue, suite 308, in Chicago, Illinois.

11. Diversity of citizenship exists between the parties. 28 USC section 1332.

WHEREFORE, Notice is given that this action is removed from the Philadelphia County Court of Common Pleas to the United States District Court for the Eastern District of Pennsylvania.

WILLIAM J. FERREN & ASSOCIATES

BY: 

Daniel M. Brown

Attorney for defendants,

Attorney for defendants,

Andrii Vegera and Vegera Global Logistics Inc.

EXHIBIT “A”

TA ORDENADO COMPARECER EN Arbitration Hearing 1880 JFK Blvd, 5th fl. at 09:15 AM - 04/14/2023

st still comply with the notice below. USTED TODAVIA DEBE CUMPLIR CON EL AVISO PARA DEFENDERSE
 after will be heard by a Board of Arbitrators at the time, date and place specified in the notice. If you do not present
 hearing, the matter may be heard at the same time and date before a Board of Arbitrators. If you do not present
 e is no right to a trial denovo on appeal from a decision entered by a Judge.

CLEARFIELD & KOFSKY

By: Adam E. Grutzmacher, Esquire
 Identification No. 92061
 Suburban Station Building - Suite 355
 1617 JFK Boulevard
 Philadelphia, PA 19103
 (215) 563-6333

HASSAN KEARNEY

340 Unruh Avenue
 Philadelphia, PA 19111

ANDRII VEGERA

4534 N. Cumberland Avenue Unit 308
 Chicago, IL 60656

and

VEGERA GLOBAL LOGISTICS INC

4534 N. Cumberland Avenue Unit 308
 Chicago, IL 60656

Filed and Accepted by the
 Office of the Clerk of the Court
 August 1, 2022 10:01 pm

**COURT OF COMMON PLEAS
 PHILADELPHIA COUNTY**

**JUNE TERM 2022
 NO**

**COMPLAINT IN CIVIL ACTION
 (Code 2V - Motor Vehicle Negligence)**

NOTICE

"You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

"YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

**PHILADELPHIA BAR ASSOCIATION
 LAWYER REFERRAL & INFORMATION SERVICE**
 One Reading Center
 Philadelphia, PA 19107
 (215) 234-1701

AVISO

"La han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las páginas siguientes, usted tiene veinte (20) días de plazo al partir de la fecha de la demanda y la notificación. Hace falta presentar una comparecencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomará medidas y puede continuar la demanda en contra suya sin previo aviso o notificación. Además, la corte puede decidir a favor del demandante y regular que usted compa con todas las previsiones de esta demanda. Usted puede perder dinero o sus propiedades o otros derechos importantes para usted.

"LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.

**ASOCIACION DE LICENCIADOS DE FILADELPHIA
 SERVICIO DE REFERENCIA E INFORMACION LEGAL**
 One Reading Center
 Filadelfia, Pa. 19107
 Teléfono: (215) 234-1701

GENERAL AVERMENTS

1. Plaintiff, Hassan Kearney is an adult individual who resides at the above-captioned address.
2. Defendant, Andrii Vegera, is an adult individual who resides at the above-captioned address
3. Defendant, Vegera Global Logistics Inc, is a business, company, entity, partnership, franchise, fictitious name, proprietorship or corporation existing and/or qualifying under the laws of the Commonwealth of Pennsylvania, with a registered office for the acceptance of service or a principal place of business at the address listed in the caption of this Complaint.
4. At all times material hereto, defendant acted or failed to act, by and through their agents, servants, workmen and/or employees, who were then and there acting within the scope of their authority and course of their employment with defendant, in furtherance of defendant's business and on behalf of defendants
5. At all times material hereto, Defendant, Andrii Vegera, did own, operate, manage and control his and/or co-defendant, Vegera Global Logistics Inc.'s 2011 Volvo 780 Series Tractor Trailer, Illinois Tag No. P897411, which was involved in this accident.
6. On or about June 15, 2020, at or near 4782 Island Avenue, Philadelphia, Pennsylvania, Defendant, Andrii Vegera, so carelessly and negligently operated the aforementioned tractor trailer so as to cause the trailer to collide with the City vehicle in which Plaintiff, Hassan Kearney, was operating causing him to sustain the injuries and other losses hereinafter more fully set forth.

7. The negligence and carelessness of the Defendants, acting as aforesaid, consisted of the following:

- (a) operating the aforementioned vehicle at an excessive rate of speed;
- (b) failing to have proper and adequate control of the aforementioned vehicle so as to avoid accidents;
- (c) failing to warn of the approach of the aforementioned vehicle with due regard for the rights and safety of the plaintiff;
- (d) failing to keep a proper lookout;
- (e) failing to stop;
- (f) failing to keep trailer in proper lane of travel;
- (g) failing to have proper control of the trailer;
- (h) failing to ensure the roadway was clear before operating the vehicle in reverse;
- (i) Defendant, Vegera Global Logistics Inc., negligently consented and entrusted their vehicle to Co-Defendant, Andrii Vegera who it knew or should have known would operate the vehicle in a negligent and careless manner, and had a propensity toward negligence and recklessness
- (j) failing to use due care under the circumstances;
- (k) negligence per se; and
- (l) in being otherwise careless and negligent the particulars of which are presently unknown to plaintiff but which may be learned by discovery procedures provided by the Pennsylvania Rules of Civil Procedure or which may be learned at the trial of this case.

8. The aforesaid accident was due solely to the negligence and carelessness of the Defendants, acting as aforesaid, and was due in no manner whatsoever to any act or failure to act on the part of the plaintiff.

COUNT I
PLAINTIFF, HASSON KEARNEY v. ALL DEFENDANTS
THIRD PARTY LIABILITY

9. Plaintiff, Hasson Kearney, incorporates by reference hereto, all of the allegations contained in the General Averments, as if they were set forth at length herein.

10. As a result of this accident, Plaintiff, Hasson Kearney, has suffered injuries which are or may be serious and permanent in nature, including but not limited to: disc injuries, lumbar radiculopathy, cervical sprain and strain, lumbar sprain and strain, left shoulder sprain and strain, muscle spasm, as well as other injuries as may be diagnosed by Plaintiff's health care providers, all of which injuries have in the past, and may in the future, cause Plaintiff great pain and suffering.

11. As a further result of this accident, Plaintiff, Hasson Kearney, has been or will be required to receive and undergo medical attention and care and to expend various sums of money and to incur various expenses, and may be required to continue to expend such sums or incur such expenditures for an indefinite time in the future.

12. As a further result of this accident, Plaintiff, Hasson Kearney, has or may hereafter suffer a severe loss of earnings and impairment of earning power and capacity.

13. As a further result of this accident, Plaintiff, Hasson Kearney, has suffered medically determinable physical and/or mental impairment which prevents the plaintiff from

performing all or substantially all of the material acts and duties that constituted the plaintiff's usual and customary activities prior to the accident.

14. As a direct and reasonable result of the accident aforementioned, Plaintiff, Hasson Kearney, has incurred or may hereafter incur, other financial expenses that exceed or may exceed the amount which plaintiff may otherwise be entitled to recover.

15. As a further result of the accident aforementioned, Plaintiff, Hasson Kearney, has suffered severe physical pain, mental anguish and humiliation, and may continue to suffer same for an indefinite time in the future.

WHEREFORE, Plaintiff, Hasson Kearney, demands judgment against the defendants, jointly and/or severally, for damages, in an amount not in excess of the arbitration limits, plus interest and costs.

CLEARFIELD & KOFSKY

BY:


Adam E. Grutzmacher, Esquire
Attorney for Plaintiff, Hasson Kearney

CERTIFICATE OF SERVICE

I, Daniel M. Brown, attorney for defendants, Andrii Vegera and Vegera Global Logistics Inc., hereby certify that I have this date served a true and correct copy of the foregoing Notice of Removal to the following via electronically:

Adam Grutzmacher, Esquire
Clearfield & Kofsky
Suburban Station Building – suite 355
1617 JFK Boulevard
Philadelphia, PA 19103

WILLIAM J. FERREN & ASSOCIATES

BY: 

Daniel M. Brown
Attorney for defendants,
Andrii Vegera and Vegera Global Logistics Inc.,